

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**IN RE:** §      **Chapter 13**  
**CYNTHIA E. GARCIA**      §      **Case No. 18-30149-hcm**  
                        §  
                        §  
*Debtor*      §

**TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE TO RE-FILING A CASE TO THE LATER OF 180 DAYS; OR A TIME PERIOD DEEMED APPROPRIATE BY THE COURT UNDER 11 U.S.C. §105(a)**

**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within 21 days from the date of service,  
the relief requested herein may be granted without a hearing being held.**

**A timely filed response is necessary for a hearing to be held.**

**In the event a timely response to this Motion is filed, there will be a  
hearing held March 14, 2018, at 9:15 a.m., in the  
United States Bankruptcy Court, located at  
511 E. San Antonio Ave., 4<sup>th</sup> floor, El Paso, Texas 79901.**

To the Honorable H. Christopher Mott, United States Bankruptcy Judge:

STUART C. COX, Standing Chapter 13 Trustee (“Trustee”), files this *Motion to Dismiss Case with prejudice to re-filing a Case to the Later of 180 Days; or a Time Period Deemed Appropriate By the Court Under 11 U.S.C. §105(a)* and states:

1. Cynthia E. Garcia (“Debtor”) has filed 3 prior bankruptcy case in the Western District of Texas, El Paso Division:
  - a. Debtor filed Chapter 13, cause no. 15-30709 on 5/4/15, the case was dismissed on 2/1/16 pursuant to an Order for Summary Dismissal of Case for Failure to Make Plan Payments.
  - b. Debtor filed Chapter 13, cause no. 13-30898 on 5/31/13, the case was dismissed on 2/27/15 pursuant to an Order for Summary Dismissal of Case for Failure to Make Plan Payments.

- c. Debtor filed Chapter 13, cause no. 12-31442 on 8/4/12, the case was dismissed on 11/9/12 pursuant to an Order for Summary Dismissal of Case for Failure to Make Plan Payments.
2. Trustee would show the Court that Debtor in the instant case no. 18-30149, Debtor has failed to timely file a Chapter 13 Plan and Bankruptcy Schedules, which were due within 14 days of the filing of the bankruptcy petition, due 2/16/18. See rules 1007(b), (c), and 3015(b) of the Federal Rules of Bankruptcy Procedure. Nor has the Debtor filed any pleading requesting an extension of time to file a Chapter 13 Plan or Bankruptcy Schedules in the present Chapter 13 case.
3. Trustee avers the Debtor's history of filing bankruptcy cases is for the purposes of delay; and the totality of circumstances, necessitate a dismissal with prejudice to re-filing a bankruptcy case.
4. Trustee further avers dismissal with prejudice for up to 180 days or a period of time that is in the best interest of the creditors and the estate, as the case is not filed in good faith. 11 U.S.C. 1307(c), 11 U.S.C. § 109(g) and 11 U.S.C. § 105(a).

Therefore, Trustee respectfully requests the Court dismiss the case with prejudice to re-filing a bankruptcy case to the later of 180 days, or a time period deemed appropriate under 11 U.S.C. 105(a).

Respectfully submitted,

/s/Stuart C. Cox

Stuart C. Cox

Standing Chapter 13 Trustee

SBN: 00794992

/s/Lucille Zavala

Lucille Zavala

Senior Staff Attorney for Stuart C. Cox

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**CERTIFICATE OF SERVICE**

This certifies that a copy of *Motion to Dismiss Case with prejudice to re-filing a Case to the Later of 180 Days; or a Time Period Deemed Appropriate By the Court Under 11 U.S.C. §105(a)* was electronically filed on February 21, 2018, and service to the parties listed on the Court's creditor matrix will be sent by the Bankruptcy Noticing Center (BNC).

/s/Stuart C. Cox  
Stuart C. Cox  
/s/Lucille Zavala  
Lucille Zavala